

# Order

Entered: April 29, 2004

**Michigan Supreme Court  
Lansing, Michigan**

Maura D. Corrigan,  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Clifford W. Taylor  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

2001-04

## Proposed Amendment of Canon 7 of the Michigan Code of Judicial Conduct

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On June 12, 2001, this Court published for comment two alternative proposed amendments of Canon 7 of the Michigan Code of Judicial Conduct regarding payments to endorsing organizations. On order of the Court, this is to advise that the Court is considering an alternative amendment of Canon 7 of the Michigan Code of Judicial Conduct. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. Given the upcoming election season, this matter is being expedited and will be considered at the May 27, 2004, public hearing. Comments will be accepted until the date of the hearing. The notices and agendas for public hearings are posted at [www.courts.michigan.gov/supremecourt](http://www.courts.michigan.gov/supremecourt).

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

### Canon 7

A Judge or a Candidate for Judicial Office  
Should Refrain From Political  
Activity Inappropriate to Judicial Office

- A. [Unchanged.]
- B. Campaign Conduct:
  - (1) [Unchanged.]
  - (2) These provisions govern a candidate, including an incumbent judge, for a judicial office:

(a)-(f)[Unchanged.]

- (g) A candidate for judicial office may not pay an endorsing organization for its ranking or endorsement. However, a candidate for judicial office may contribute campaign funds to pay some of the costs associated with the publication of the endorsement or ranking of the candidate, provided the candidate secures from the endorsing organization an assurance, before the endorsement or ranking is made, that the endorsing organization will not:
- (i) demand payment from the candidate or the candidate's agent as a condition of the endorsement or favorable ranking,
  - (ii) seek any assurance from the candidate before the endorsement or ranking is made that it will be paid if it endorses or ranks the candidate favorably,
  - (iii) add an endorsement or favorable ranking of a different candidate in the event that the initially supported candidate decides not to pay the endorsing organization for publicizing its endorsement and favorable ranking,
  - (iv) prevent the candidate from publicizing the endorsement or favorable ranking independent of the endorsing organization, regardless of whether the endorsing organization itself publicizes its endorsement or favorable ranking.

C.-D. [Unchanged.]

Staff Comment: The proposed language of Canon 7(B)(4) concerns endorsements of judicial candidates. It prohibits judicial candidates from purchasing endorsements or favorable ratings from a person or entity.

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on these proposals may be sent to the Supreme Court Clerk in writing or electronically by May 27, 2004, at P.O. Box 30052, Lansing, MI 48909, or MSC\_clerk@courts.mi.gov. When filing a comment, please refer to ADM File No. 2004-01. Your comments and the comments of others will be posted at [www.courts.mi.gov/supremecourt/resources/administrative/index.htm](http://www.courts.mi.gov/supremecourt/resources/administrative/index.htm).



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 29, 2004

Corbin R. Davis

Clerk